

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Tracy W. Lunsford, :
Plaintiff : Case No. 2:11-cv-00733

v. : Judge Sargus

Debra Timmerman-Cooper, Warden, : Magistrate Judge Abel
Defendant :
:

ORDER

This matter is before the Magistrate Judge on plaintiff Tracy W. Lunsford's motion for a certificate of appealability. Judgment was entered on February 9, 2012 dismissing Lunsford's complaint. A plaintiff has thirty days from the entry of judgment in which to file a notice of appeal. Further, a plaintiff must either pay the \$455.00 filing fee or move for leave to proceed in forma pauperis on appeal.

Here, Lunsford has not filed a notice of appeal, and he has not paid the filing fee or moved for leave to proceed on appeal without prepayment of fees and costs. The Court cannot rule on the request for a certificate of appealability until plaintiff files a notice of appeal and either pays the filing fee or moves for leave to proceed on appeal without prepayment of fees and costs.

s/ Mark R. Abel
United States Magistrate Judge